October 17, 2018

Ex Parte

Mr. Eliot Greenwald
Deputy Chief, Disability Rights Office
Consumer and Governmental Affairs Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: VRS Access Technology Reference Platform and RUE Profile (CG Docket Nos. 10-51 & 03-123)

Dear Mr. Greenwald,

ASL Services Holdings, LLC dba Global VRS, CSDVRS, LLC, Convo Communications, LLC, Purple Communications, Inc., and Sorenson Communications, LLC (collectively the "Joint VRS Providers") write to request that the Consumer and Governmental Affairs Bureau ("Bureau") immediately pause any further development of the VRS Access Technology Reference Platform ("VATRP App") and revisions being made to the associated technical specifications ("RUE Profile"). Before any further work to develop the VATRP App as a VRS endpoint and testing tool, the VATRP must be brought into compliance with Commission requirements. The VATRP App's primary purpose is to serve as a tool against which VRS providers can test their own endpoints for interoperability. Unfortunately, *the VATRP App itself is not yet compliant with basic interoperability requirements set out in the Commission's rules as mandatory minimum standards*, and thus *cannot be used as a testing tool*. Yet the VATRP App is being expanded to alter the methods providers must use to implement their features and to include unauthorized features that were never relevant to interoperability testing. Implementation of these features comes at great expense to the Fund, both for the direct costs to compensate vendors of the VATRP project and for the exogenous-cost adjustments reasonably owed to the providers to implement, as contemplated by the Commission. Moreover, the Bureau lacks authority to adopt changes to the RUE Profile except for those developed by a voluntary, consensus standard organization.

A pause in the development of the VATRP App and RUE Profile is necessary for several reasons. First, a pause would provide time for the VATRP App to be brought into compliance with the Commission's requirements. Second, a pause would allow for a transition of the RUE Profile from the Commission's vendor to an appropriate standards organization. Third, a pause is necessary to ensure that the VATRP App ultimately develops consistent with the

recommendations of the North American Numbering Council Working Group on Interoperable Video Calling ("IVC Working Group").[1] Finally, a pause would allow for work on other efforts with more immediate and tangible results for consumers, including enhancing customer privacy through encryption, incorporating automatic geolocation for 911 calls from software-based endpoints on mobile devices, addressing skills-based routing and the use of certified Deaf interpreters, and supporting the work of the IVC Working Group.

The VATRP App and RUE Profile Were Intended as a Reference Platform

In 2013, the Commission conceived of the VATRP App as a "reference platform"—a fully compliant and functioning app that VRS providers could use to test interoperability.[2] The Commission directed, among other things, that the VATRP App comply with interoperability standards including the Provider Interoperability Profile ("PIP" or "SIP Profile"), with which all VRS providers were required to be compliant last year.[3] The original intent for the VATRP App and RUE Profile has now seemingly evolved.

Three years ago, the Commission first awarded a $10 million contract to VTC Secure to develop the VATRP App, and more recently it has engaged MITRE and other subcontractors. Rather than develop the VATRP App—as the Commission directed—to comply with the SIP Profile, the Commission staff and vendors proceeded to develop the VATRP App as a bespoke endpoint and, therefore, to develop the RUE Profile to govern how providers interoperate with the VATRP App. Throughout the process, the Joint VRS Providers have participated in regular (often weekly) calls with the FCC's vendors to discuss the VATRP App and RUE Profile and have spent additional hours in between calls to review the drafts of the RUE Profile provided. Not surprisingly, as of MITRE's most recent SIP Profile testing this past May, the VATRP App achieved the worst score of all VRS endpoints.

Yet, MITRE and the FCC staff are now expanding the VATRP App and RUE Profile beyond their original scope to include requirements that were never authorized by the Commission and are not relevant to interoperability testing. For example, the draft RUE Profile requires providers to facilitate multiple logins from the same user simultaneously using the same credentials from multiple devices.[4] This feature has nothing to do with testing provider

---

1 *See* Letter from Kris Monteith, Chief, Wireline Competition Bureau, FCC, to Travis Kavulla, Chairman, North American Numbering Council (July 3, 2018) ("Monteith Letter").

2 *See Structure and Practices of the Video Relay Service Program et al.*, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd. 8618, 8644 ¶ 53 (2013) ("*VRS Reform Order*"), *vacated in part on other grounds sub nom. Sorenson Commc'ns, Inc. v. FCC*, 765 F.3d 37 (D.C. Cir. 2014).

3 *See VRS Reform Order* at 8644 ¶ 55 (directing the VATRP App to be compliant with standards developed to further interoperability); 47 C.F.R. § 64.621(b)(1), (c)(1)(i).

4 *See* CMS Alliance to Modernize Healthcare, Federally Funded Research and Development Center, Interoperability Profile for Relay User Equipment (RUE), DRAFT Version 1.0 § 6.1 (Oct. 1, 2018) ("Draft RUE Profile").

compliance with the Commission's interoperability rules, because the Commission does not require multiple concurrent logins.

When providers develop and offer enhanced features by their own choice, they do so in order to compete—a practice the Commission has encouraged and specifically said the VATRP App and RUE Profile should not interfere with.[5] Many other "new" features of the VATRP App and RUE Profile suffer from similar problems.[6] A list of these unauthorized features is attached.

Additional Requirements Beyond Those Originally Intended for the VATRP App and RUE Profile Constitute Exogenous Costs Subject to Reimbursement from the Fund.

These new features and requirements, if imposed on the Joint VRS Providers, will impose substantial costs on providers to implement—costs that constitute an exogenous-cost adjustment.[7] The Commission's rules currently provide that after April 29, 2019, no provider will receive reimbursements for any minute of VRS unless the provider's platform is interoperable with the VATRP App.[8] Thus, the mandate to implement these requirements is a compliance cost that is beyond the providers' control and should be reimbursed as an exogenous-cost adjustment as the Commission has established. This burden on the TRS Fund is in addition to the millions from the Fund that the Commission has already spent on vendors.

Imposition of Additional Requirements Exceeds the Commission's Delegated Authority

In addition to these issues is a lack of legal authority. The Bureau's delegated authority to adopt or change specifications like the RUE Profile is limited to those developed through a

---

5 *See VRS Reform Order* at 8648 ¶ 60; *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Second Report and Order and Order on Reconsideration, 24 FCC Rcd. 791, 820 ¶ 63 (2008).

6 See, for example, the new requirements to support bandwidth control, one-stage dial-around, and specific ways to retrieve and navigate video mail. *See* Draft RUE Profile §§ 6.2.2, 8.1, 10.2.

7 *See Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Declaratory Ruling, 22 FCC Rcd. 20,140, 20,168 ¶ 72 (2007) ("*2007 Declaratory Ruling*") ("Annually, VRS providers will be allowed to request exogenous treatment for costs they incurred during the three-year period that are the result of new regulations or otherwise beyond their control."), *remanded in part sub nom. Sorenson Commc'ns, Inc. v. FCC*, 567 F.3d 1215 (10th Cir. 2009); *Sorenson Commc'ns, Inc. v. FCC*, 765 F.3d 37, 50 (D.C. Cir. 2014) (vacating increased VRS speed-of-answer rule because "[b]y adopting the new speed-of-answer metric without evidence of the cost to comply with it, the Commission acted arbitrarily and capriciously").

8 *See* 47 C.F.R. § 64.621(a)(3). The rule sets the deadline for compliance with the VATRP App as April 27, 2018, which the Bureau suspended until April 29, 2019. *See Structure and Practices of the Video Relay Service Program et al.*, Order, CG Docket Nos. 10-51 & 03-123, DA 18-428 (Consmr. & Govt'l Affs. Bur. rel. Apr. 26, 2018).

voluntary, consensus standard organization (such as the SIP Forum VRS Task Group, which developed the SIP Profile) that Commission staff and their representatives may not "dominate."[9] This authority has not since changed. However, the RUE Profile is not being developed through such a voluntary, consensus standard organization. Rather, the informal working group is led by MITRE and FCC staff, who set the agenda, draft the specifications, and make the decisions. As such, the Bureau has no delegated authority to adopt the revised RUE Profile.

The SIP Profile Should Govern How VRS Providers Interoperate with the VATRP App

Once the VATRP App is fully compliant with the Provider Interoperability Profile and the Commission has addressed the recommendations of the IVC Working Group, assuming that development of the VATRP App continues,[10] the Joint VRS Providers urge the Bureau first to determine that the RUE Profile is not necessary given the current interoperability results produced by MITRE. Rather, the SIP Profile should govern how VRS providers interoperate with the VATRP App, just as it governs how they interoperate with each other. But if the work on the RUE Profile continues, it must be done by a voluntary, consensus standard organization as the Commission directed and take into account the Commission's decisions about the recommendations of the IVC Working Group. The Bureau should also emphasize that nothing in the RUE Profile can require the Joint VRS Providers to implement changes to their endpoints pending resolution of the Further Notice of Proposed Rulemaking on that specific topic.[11] In addition, before adopting any changes, the Bureau must adhere to the procedural requirements that the Commission directed it to follow and that the Bureau itself elaborated on—chiefly, notice of the new requirements and an opportunity to comment.[12]

---

9 OMB Circular No. A-119, Federal Participation in the Development and Use of Voluntary Consensus Standards and in Conformity Assessment Activities, § 7.g (Feb. 10, 1998), cited in *VRS Reform Order* at 8642-43 ¶¶ 48-49 & n.129; *see also Structure and Practices of the Video Relay Service Program*, Report and Order and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 687, 688 ¶ 4 (Consmr. & Gov't Affs. Bureau 2017) ("*SIP & RUE Profiles Order*" or "*RUE Profile Further Notice*"), *pet. for recon. pending*.

10 As noted above, the Joint VRS Providers do not believe that a separate RUE Profile is needed in addition to the SIP Profile. Also, the legal and implementation issues raised in Sorenson's Petition for Reconsideration of the *SIP & RUE Profiles Order* remain unresolved. *See* Sorenson Communications, LLC, Petition for Partial Reconsideration, or in the Alternative, Suspension of the RUE Profile Implementation Deadline, CG Docket Nos. 10-51 & 03-123 (filed May 30, 2017).

11 *See SIP & RUE Profiles Order* at 691 ¶ 11, 694 ¶¶ 22-25.

12 *Id.* at 693 ¶ 17; *VRS Reform Order* at 8643 ¶ 49.

Positive Initiatives

Putting the RUE Profile on hold will free up providers' development and engineering resources to work collaboratively on several projects outlined below rather than having changes pushed on them through MITRE.

First, the Joint VRS Providers support working with the SIP Forum VRS Task Group[13] to improve the SIP Profile in two ways. First, at present, VRS and point-to-point communications are not necessarily encrypted. To further enhance consumer privacy and increase the protection of VRS providers' own backend systems, the Joint VRS Providers believe that the VRS Task Group should agree on an encryption standard for VRS and point-to-point communication.

Second, the Joint VRS Providers support working with the VRS Task Group to incorporate automatic geolocation technologies for 911 calling into VRS as they become available and incorporated into other "over-the top" voice services, such as nomadic interconnected VoIP. The Commission has an ongoing proceeding addressing automatic geolocation for CMRS voice services and recently issued a Notice of Proposed Rulemaking to implement Kari's Law and the 911-related provisions of RAY BAUM'S Act.[14] While a few hundred thousand VRS users cannot be expected to drive the implementation of geolocation technology in underlying telecommunications and internet networks and handsets, VRS providers can incorporate that geolocation into VRS as those systems are deployed and the data elements made available to other providers of software-based voice products, such as "over-the-top" interconnected VoIP. The safety of VRS users demands a high level of engagement to find ways for mobile VRS endpoints to provide accurate and up-to-date location information and other information that modernized PSAPs can use to respond more quickly and effectively to emergencies.

Third, the Joint VRS providers hope that the Commission will establish the right conditions for skills-based routing and certified Deaf interpreters to integrate these elements into VRS.[15] Both skills-based routing and the use of Deaf interpreters will improve the VRS experience for consumers by increasing the accuracy of communication as it is translated between the VRS user and the hearing participant. As a next step, the Joint VRS Providers urge the Commission to establish appropriate compensation rates for VRS calls that utilize skills-based routing. The services of specialized communications assistants capable of providing

---

13 The SIP Forum VRS Task Group has functioned as a voluntary, consensus standard organization. As such, the Bureau has delegated authority to adopt its recommended standards after appropriate notice and opportunity for comment.

14 *See Implementing Kari's Law and Section 506 of RAY BAUM'S Act et al.*, Notice of Proposed Rulemaking, FCC 18-132, PS Docket Nos. 18-261 & 17-239, ¶¶ 79-81 (rel. Sept. 26, 2018).

15 *See Video Relay Service Improvements: Effective Date for Rule Amendments and Comment Deadlines for Further Notice of Proposed Rulemaking*, Public Notice, 32 FCC Rcd. 3041 (Consmr. & Gov't Affs. Bur. 2017).

skills-based routing cost more than the services of other communications assistants, thus increasing VRS providers' costs to offer this service to their customers.[16]

Finally, the Joint VRS Providers look forward to contributing to the work of the IVC Working Group.[17] The Working Group is charged with developing options for telephone number-based interoperable video calling and recommending next steps. Interoperable video calling has the potential to expand calling options, providing additional ways for the hearing- and speech-impaired to communicate with VRS and non-VRS users. Indeed, specifications for interoperable video calling across multiple platforms—not just VRS—hold the potential to create broader interoperability than the Commission aspired to in the 2013 *VRS Reform Order*, and the Joint VRS Providers encourage the Bureau to prioritize this work over the limited (and broken) VATRP and RUE Profile, which are only relevant to VRS and may be rendered obsolete.

The Joint VRS Providers understand from recent engagement with consumer groups that they have identified these efforts and initiatives as higher priorities for taking the VRS program forward and maintaining functional equivalence. The Joint VRS Providers agree that these initiatives merit the industry's and the Commission's focus and look forward to collaborating to find solutions.

* * * * *

---

16 *See* Petition for Reconsideration of the Report and Order and Order, On Behalf of the Interstate Telecommunications Relay Service Advisory Council, CG Docket Nos. 03-123 & 10-51 (filed Sept. 21, 2017).

17 *See* Monteith Letter.

The Joint VRS Providers urge the Bureau expeditiously to put the RUE Profile on hold and direct MITRE to focus on making the VATRP App compliant with the SIP Profile. This pause will also provide time for the newly-formed IVC Working Group to develop recommendations for interoperable video calling across all platforms. Once the VATRP App is brought into compliance and the Commission has addressed the recommendations of the Working Group, if the work to develop the RUE Profile continues, it should be done by a voluntary, consensus standard organization and should be clearly limited to those features that are required by the Commission's interoperability rules and not apply to VRS provider-distributed endpoints. These simple steps will provide the Commission and the industry with valuable time and resources to focus on developing and implementing other enhancements to the VRS program that will have clear, positive impacts for consumers.

Respectfully submitted,

/s/
Gabrielle Joseph
Chief Executive Officer
ASL SERVICES HOLDINGS, LLC
DBA GLOBALVRS

/s/
Jeff Rosen
General Counsel
CONVO COMMUNICATIONS, LLC

/s/
Michael Maddix
Director, Government and Regulatory Affairs
SORENSON COMMUNICATIONS, LLC

/s/
Gregory Hlibok
Chief Legal Officer
ZVRS HOLDING COMPANY
Parent Company of CSDVRS, LLC
d/b/a ZVRS and Purple
Communications, Inc.

cc: David Schmidt, Office of Managing Director
Jim Malloy, MITRE Principal Infrastructure Engineer

Attachment

Problematic Features in the Draft RUE Profile as of October 1, 2018

RUE Profile §	Feature Description	Issues
§ 6	Additional RFCs. The draft RUE Profile would require providers to implement Internet Engineering Task Force Requests for Comment 3840, 3311, 3960, and 6442	All RFCs except RFC-6442 has no useful effect on consumers as there is currently no use defined use for them. It takes effort to implement and support these. RFC-6442, Geolocation for emergency calls, has a clear benefit once location can be passed to video interpreters. This would be passed to the PSAP using "over-the-top" services. But this is an issue being considered separately in the Commission's Kari's Law NPRM, and implicates *strong privacy concerns* later in the specification which refers to reporting a mobile user's location with all SIP Registrations when this feature is only needed for emergency calling. This is not necessary for interoperability at this time.
§§ 6.1	Multiple concurrent registrations. This feature provides the ability for a user to log into the VRS provider's system concurrently with several devices using the same set of credentials.	This feature is unnecessary as they do not enhance or achieve video interoperability and is not required by the Commission's rules.
§ 6.2.2	One-stage dial-around. This feature allows a user to instruct its default VRS provider to automatically route calls through another provider.	Implementation of this functionality would require providers to extensively alter competitive and differentiating feature and is not required by the Commission's rules.
§ 8	Secure real-time transport protocol. This feature would require providers to implement the Secure Real-Time Transport Protocol in all communications with endpoints.	This feature has no bearing on interoperability and is not required by the Commission's rules. Security can be separately addressed by providers in follow-up work on the SIP Profile.

§ 8.1	Codec control messages. Allows a receiver of video to request adjustments to the bit rate of the received video (TMMBR), request key frames (FIR), adjust frame rate (TSTR), and adds support for the H.271 back channel (VBCM).	This feature has no bearing on interoperability and is not required by the Commission's rules.
§ 10.1	Mail waiting indicator (MWI). This feature specifies how providers communicate to end users that they have a new video mail waiting.	This feature has no bearing on interoperability and is not required by the Commission's rules.
§ 10.2	URI-based video mail retrieval. This feature directs providers to allow users to retrieve their video mail via a URL rather than another method.	This feature restricts providers from offering differentiating or competitive features and is not usable by mobile devices. It is not required by the Commission's rules.
§ 10.2	Dual-tone multi-frequency (DTMF) video mail navigation. This feature would require "touch-tone"-type dialing to navigate a user's video mail (e.g., press 3 to delete).	This feature adds navigational steps for users to retrieve a video mail which delays the process and places burden on users. This obsolete feature not required by the Commission's rules.